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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,027

02/23/2004

Po Hyung Koh

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EXAMINER

ADEGEYE, OLUWASEUN

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

02/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/783,027

Applicant(s)

KOH ET AL.

Examiner

Oluwaseun A. Adegeye

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02/23/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 54 is/are pending in the application.
- 4a) Of the above claim(s) 1 - 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35 - 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/23/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 - 34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 35 – 40, 42 – 44, 46 – 52 and 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogikubo (US 2003/0063528 A1).

As to **claim 35**, Ogikubo discloses a method of storing a plurality of resume marks associated with data on a recording medium (fig. 2 discloses a plurality of resume marks. Also see [056]), the method comprising:

providing data stored on the recording medium (optical disk D); and

storing a plurality of resume marks for a plurality of programs to control each program independently (see fig. 2 and [056]), the plurality of programs corresponding to the provided data, wherein each resume mark includes last playback position information (position information) (see [056]) and mark type information (date and time

information), and wherein the mark type information represents whether an associated program is a most recently played program (see fig. 2 and [056]).

As to **claim 44**, Ogikubo discloses a resume mark to control each of a plurality of programs independently which are stored on a recording medium (optical disk D) (see fig. 2 and [056]), the resume mark comprising:

- a mark type (date and time information) configured to represent whether an associated program is a most recently played program (see fig. 2 and [056]);

- a program ID configured to identify the associated program (see [061]); and

- a mark time stamp (position information) configured to represent a last playback position of the associated program (see fig. 2 and [056]).

As to **claim 47**, grounds for rejecting claim 35 apply to claim 47 in its entirety.

As to **claim 36**, Ogikubo disclose the method of claim 35, wherein the last playback position is a presentation time stamp (PTS) or address corresponding to a last playback position (see [056]. The above paragraph discloses an address).

As to **claim 37**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing the plurality of resume marks in an apparatus for playing back data recorded on the recording medium (see [056] and [06] – [062]).

As to **claim 38**, Ogikubo discloses the method of claim 35, wherein the plurality of resume marks is identified by numbers (see fig. 2 and [056]).

As to **claim 39**, Ogikubo discloses the method of claim 35, wherein the plurality of resume marks each further comprise program identification information for the associated program (see fig. 2 and [061] – [062]).

As to **claim 40**, Ogikubo discloses the method of claim 39, wherein the program identification information is an intrinsic program ID or a program name (see [061]).

As to **claim 42**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing the plurality of resume marks in a particular field of the recording medium (see [057]).

As to **claim 43**, Ogikubo discloses the method of claim 35, wherein the storing comprises storing a plurality of resume marks for each of the plurality of programs (see fig. 2 and [056] – [057]).

As to **claim 46**, Ogikubo discloses the resume mark of claim 43, wherein the mark time stamp includes a presentation time stamp (PTS) or a physical sector number (PSN) corresponding to an associated last playback position (see [056] and fig. 2).

As to **claim 48**, grounds for rejecting claim 36 apply to claim 48 in its entirety.

As to **claim 49**, grounds for rejecting claim 37 apply to claim 49 in its entirety.

As to **claim 50**, grounds for rejecting claim 38 apply to claim 50 in its entirety.

As to **claim 51**, grounds for rejecting claim 39 apply to claim 51 in its entirety.

As to **claim 52**, grounds for rejecting claim 40 apply to claim 52 in its entirety.

As to **claim 54**, grounds for rejecting claim 42 apply to claim 54 in its entirety.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 41, 45 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogikubo in view of Well known Knowledge of the art.

As to **claim 41**, Ogikubo discloses the method of claim 35. However Ogikubo does not disclose wherein the mark type information (date and time information) includes a plurality of values represented by bits.

Official notice is taken that decimal numbers can be easily stored in binary numbers.

It is obvious to one of ordinary skill in the art to have represented the mark type [information (date and time information) in bits rather than in decimal since majority of computer processors represent data in bits.

As to **claim 45**, grounds for rejecting claim 41 apply to claim 45 in its entirety.

As to **claim 53**, grounds for rejecting claim 41 apply to claim 53 in its entirety.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0135608 discloses using bookmarks and resume points.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluwaseun A. Adegeye whose telephone number is 571-270-1711. The examiner can normally be reached on Monday - Friday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/783,027
Art Unit: 2621

Page 7

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02/15/2008

O.A

Marsha D Banks-Harold

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